

## Message Text

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PAGE 01 ROME 12761 191643Z

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ACTION L-03

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DRC-01 OIC-04 /171 W

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C O N F I D E N T I A L ROME 12761

E.O. 11652: GDS

TAGS: UNGA PINS

SUBJECT: UNGA-CONVENTION ON PROTECTION OF DIPLOMATS: ITALIAN VIEWS

REF: STATE 227267; USUN 4832

1. BEGIN SUMMARY: ITALIAN VIEWS ON UNACCEPTABILITY OF AFRICAN PROPOSAL TO EXCLUDE NATIONAL LIBERATION MOVEMENTS FROM COVERAGE BY CONVENTION ON PROTECTION OF DIPLOMATS CLOSELY PARALLEL THOSE OF U.S. END SUMMARY.

2. ON NOVEMBER 19 WE DISCUSSED REFTELS WITH RESPONSIBLE ITALIAN FOREIGN MINISTRY OFFICIAL WHO ASSERTED THAT ITALIAN VIEWS ON AFRICAN PROPOSAL TO EXCLUDE NATIONAL LIBERATION MOVEMENTS FROM COVERAGE BY CONVENTION ON PROTECTION OF DIPLOMATS CLOSELY PARALLEL THOSE OF U.S. ACCORDING SOURCE, ITALIAN MISSION AT UNNY HAD ALREADY BEEN INSTRUCTED TO LOBBY AGAINST PROPOSAL WITH A NUMBER OF AFRICAN, LATIN AMERICAN AND ASIAN COUNTRIES. OFFICIAL SAID ITALIANS WILLING TO CONSIDER APPROACHES IN CAPITALS AS RECOMMENDED IN PARAGRAPH 3 OF STATE REFTEL, BUT HE EXPRESSED VIEW THAT TIME WAS LACKING TO MAKE SUCH DEMARCHES EFFECTIVE. WE RESPONDED THAT EVEN TARDY EFFORT WAS INPORTANT TO ESTABLISH PUBLIC POSITION IN CASE CONVENTION IS UNACCEPTABLE OR FAILS

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PAGE 02 ROME 12761 191643Z

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3. OFFICIAL STATED THAT ITALIANS CATEGORICALLY OPPOSED AFRICAN PROPOSAL AND WERE DISMAYED AND SURPRISED THAT AFRICANS HAD SPRUNG IT AT SUCH LATE STAGE IN CONSIDERATION OF CONVENTION. ACCORDING SOURCE, ITALIANS HAD ACCEPTED WHAT THEY CONSIDERED AS DAMAGING CONCESSIONS ON RIGHT OF ASYLUM AND PRINCIPLE OF UNIVERSAL JURISDICTION, SPECIFICALLY TO PRECLUDE MOVE SUCH AS AFRICANS HAD NOW TAKEN RE NATIONAL LIBERATION MOVEMENT. OFFICIAL OBSERVED THAT AFRICAN ACTION WAS CLEARLY VIOLATION OF PREVIOUSLY REACHED "GENTLEMEN'S AGREEMENT" ON SUBJECT.

4. OFFICIAL STATED THAT ITALIANS WOULD NOT RPT NOT VOTE IN FAVOR OF ANY CONVENTION CONTAINING EXCLUSION CLAUSE FOR NATIONAL LIBERATION MOVEMENTS. HE STRESSED ITALIANS WOULD NOT RPT NOT GO BEYOND CONCESSIONS ALREADY AGREED UPON RE ASYLUM AND PRINCIPLE OF UNIVERSAL JURISDICTION. ACCORDING SOURCE, IF CRUNCH ON UNACCEPTABLE CONVENTION COMES, ITALIAN WILL VOTE NEGATIVELY OR ABSTAIN, DEPENDING ON POSITION OF MAJORITY OF WESTERN COUNTRIES.

5. ON PERSONAL BASIS OFFICIAL REMARKED THAT SHOULD UNACCEPTABLE CONVENTION COME OUT OF LEGAL COMMITTEE THREE COURSES OF ACTION APPEAR POSSIBLE: (1) VOTE TO KILL CONVENTION; (2) EFFORT TO POSTPONE FURTHER CONSIDERATION; (3) SENDING DRAFT BACK TO ILC.

6. OFFICIAL REMARKED BITTERLY THAT SOVIETS HAD EXTRACTED CONCESSIONS FROM WESTERN COUNTRIES ON WAR CRIMES AND APARTHEID ITEMS IN RETURN FOR SOVIET SUPPORT OF PROTECTION OF DIPLOMATS CONVENTION. ALTHOUGH OFFICIAL INDICATED THAT HE ACCEPTED SOVIET PROTESTATIONS THAT THEY TOO SURPRISED BY AFRICAN MOVE, HE OBSERVED THAT SOVIETS HAD ALREADY BEEN PAID-OFF FOR SUPPORTING CONVENTION WHEREAS WEST NOW FACES PROSPECT THAT CONVENTION COULD FOUNDER. VOLPE

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